

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Joshua Manning

v.

Civil No. 05-cv-369-SM

Larry Blaisdell, Warden,
Northern New Hampshire
Correctional Facility

REPORT AND RECOMMENDATION

Before the Court is Joshua Manning's petition for a writ of habeas corpus (document no. 1) filed pursuant to 28 U.S.C. § 2254. Manning's petition includes a claim based on alleged violations of his Fourth Amendment right to be protected from an unreasonable search or arrest. As fully discussed in the Order issued simultaneously with this Report and Recommendation, such a claim is not cognizable in a habeas action absent a showing that Manning was not given a full and fair opportunity to litigate those claims in the state court. See Stone v. Powell, 428 U.S. 465, 494 (1976). For that reason, I recommend this claim be dismissed.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to

file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: October 25, 2005

cc: Joshua Manning, *pro se*
Philip Desfosses, Esq.
Sven D. Wiberg, Esq.